This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (amended) An isolated [A] lung surfactant composition comprising a lung surfactant, which - when dispersed as powder or particles in 0.9% w/w sodium chloride in a concentration of 10% w/w at ambient temperature - is capable of forming, in the course of swelling, a birefringent network or tubules at an air-liquid-solid interface within a time period of from about 0.5 min to about 120 minutes as observed by polarising microscopy.

2. (amended) An isolated [A] lung surfactant composition, which - when dispersed as a powder or as particles in an electrolyte solution having an ionic strength of at least about 5 mM or at an ionic strength corresponding to physiological conditions, and the thus obtained dispersion has a concentration of water of at least about 55% w/w, - is subject to a dynamic swelling process during which a birefringent network or tubules are formed, as observed by polarising microscopy, and the dynamic swelling process ends when steady-state is reached.

3. (amended) A lung surfactant composition according to claim 2. wherein the electrolyte solution has an ionic strength of at least about 10 mM [such as, e.g., at least about 15 mM, at least about 20 mM, at least about 25 mM, at least about 50mM, at least about 75 mM, at least about 100 mM or at least about 125 mM].

4. (amended) A lung surfactant composition according to claim 2, wherein the dispersion obtained has a concentration of water of at least about 60% [such as, e.g., at least about 65%, at least about 70%, at least about 75%, at least about 80%, at least about 85%, at least about 90%, at least about 95% or at least about 98%] w/w.

5. (original) A lung surfactant composition according to claim 2, wherein the lung surfactant - when dispersed in an electrolyte solution - is in the form of a liquid crystalline lamellar phase.

6. (original) A lung surfactant composition according to claim 2, wherein the electrolyte solution comprises at least one of the following cationic species: Na+, K+, U+, Ca2-, Mg2+ and/or NH4+.

7. (amended) A lung surfactant composition according to claim 2, wherein the electrolyte solution comprises at least one of the following anionic species selected from the group consisting of: chloride, acetate, carbonate, hydrogen carbonate, dihydrogen phosphate (H_2PO_4), monohydrogen phosphate (HPO_4^{2-}), phosphate (PO_4^{3-}), tartrate, citrate, borate, and fumarate[, or the like].

8. (amended) A lung surfactant composition according to claim 2, wherein the electrolyte solution is a sodium chloride solution [such as, e.g. a 0.9% w/w sodium chloride solution, Ringer solution or Ringer-acetate solution].

9. (original) A lung surfactant composition according to claim 1 or 2, wherein the lung surfactant comprises phospholipids.

10. (amended) A lung surfactant composition according to claim [1 or 2] 9, wherein the [lung surfactant comprises] phospholipids[, which] are present [In] in the form of a mixture of saturated and unsaturated phospholipids.

11. (amended) A lung surfactant composition according to claim 9, wherein the concentration of phospholipids is from about 80 to about 99.5% w/w [such as, e.g. from about 85 to about 98% w/w or from about 90 to about 98% w/w] of the composition in dry form.

12. (original) A lung surfactant composition according to claim 1 or 2 comprising dipalmitylphosphatidylcholine (DPPC).

13. (amended) A lung surfactant composition according to claim 1 or 2 comprising surfactant proteins [such as, e.g., SP-A, SP-B, SP-C and/or SP-D].

14. (original) A lung surfactant composition according to claim 13, wherein the surfactant proteins are SP-B and/or SP-C.

15. (amended) A lung surfactant composition according to claim 13, wherein the total concentration of surfactant proteins is from about 0.5 to about 10% w/w [such as, e.g., from about 0.5% to about 7.5% w/w, from about 0.5 to about 5% w/w, from about 0.5 to about 2.5% w/w or from about 0.5% to about 2% w/w] of the composition in dry form.

16. (original) A lung surfactant composition according to claim 1 or -2 comprising at the most up to 10% w/w of other lipids than phospholipids.

17. (original) A lung surfactant composition according to claim I or 2, wherein the lung surfactant is obtained from a mammalian lung.

18. (original) A lung surfactant composition according to claim 17. wherein the lung surfactant is extracted from the mammalian lung.

19. (original) A lung surfactant composition according to claim 17, wherein the mammalian lung is cattle, bovine, porcine, monkey or human lung.

20. (amended) A lung surfactant composition according to claim 1 or 2, wherein the lung surfactant [is obtained synthetically or semi-synthetically] <u>comprises synthetic components</u>.

21. (original) A lung surfactant composition according to claim 1 or 2, wherein the lung surfactant is obtained from mammalian alveolar cell cultures.

22. (original) A lung surfactant composition according to claim 13, wherein the surfactant protein is a recombinant protein.

23. (original) A lung surfactant composition according to claim 1 or 2 further comprising one or more inorganic or organic salts, which impart ionic strength to the composition when dispersed in an aqueous medium such as, e.g., water.

23. (original) A lung surfactant composition according to claim 1 or 2 further comprising one or more inorganic or organic salts, which impart ionic strength to the composition when dispersed in an aqueous medium.

24. (amended) A lung surfactant composition according to claim 23, wherein the one or more inorganic salts [are selected from the group consisting of] comprises an alkaline earth metal salt [such as, e.g., sodium chloride, potassium chloride, lithium chloride and alkaline earth metal salts such as, e.g. calcium chloride, magnesium chloride etc].

25. (amended) A lung surfactant composition according to claim 23, wherein the one or more organic salts [are selected from the group consisting of] comprises an acetate[s such as, e.g., sodium acetate, potassium acetate, lithium acetate, citrates, tartrates, fumarates, borates, phosphates, ammonium salt such as e.g. ammonium chloride etc].

26. (original) A lung surfactant composition according to claim 1or 2 further comprising another therapeutically, prophylactically and/or diagnostically active substance.

27. (cancelled)

28. (cancelled)

29. A method according to claim 1 [27 or 28], wherein the lung surfactant composition is administered as a medicament prepared by dispersing the lung surfactant in powder or particulate form in a suitable dispersion medium.

30. (amended) A method according to claim 29 [27 or 28], wherein the lung surfactant composition is administered as a medicament prepared by dispersing the lung surfactant in powder or particulate form in a suitable dispersion medium.

31. (amended) A method according to claim 30, wherein the sufficient period of time is from about 0.5 to about 120 minutes [min such as, e.g., from about 1 to about 100 min, from about 2 to about 90 min, from about 2 to about 80 min. from about 2 to about 70 min, from about 3 to about 60 min, from about 3 to about 50 min, from about 3 to about 45 min, from about 5 to about 40 min, from about 5 to about 35 min, from about 10 to about 35 min, from about 15 to about 35 min or from about 20 to about 35 min].

32. (Amended) A pharmaceutical composition comprising a lung surfactant composition according to [any of] claim[s] 1[-] or 2[26].

33. (original) A pharmaceutical composition according to claim 32 in powder or particulate form adapted to be dispersed in an aqueous medium before use.

34. (original) A pharmaceutical composition according to claim 32 in liquid form.

35. (original) A pharmaceutical composition according to claim 34, wherein the liquid is in the form of a dispersion comprising the lung surfactant composition and an electrolyte solution.

36. (original) A pharmaceutical composition according to claim 32, wherein the composition is adapted to physiological conditions.

37. (original) A pharmaceutical composition according to claim 35, wherein the electrolyte solution is a physiologically acceptable solution.

38. (original) A pharmaceutical composition according to claim 32 further comprising another therapeutically, prophylactically and/or diagnostically active substance.

39. (amended) A pharmaceutical composition according to claim 32 in the form of a powder or particles adapted to be administered from an inhaler [or the like].

40. (amended) A pharmaceutical composition according to claim[s] 39, wherein the mean particle size and/or the electrostatic properties of the powder or particles have been adjusted

to conditions required in order to reach specific sites in the respiratory organs after administration via an inhaler.

41. (amended) A pharmaceutical kit comprising a first and a second container, the first container comprising a lung surfactant composition according to [any of] claim[s] 1[-] or 2 [26] and the second container comprising a dispersion medium for the lung surfactant composition, accompanied by instructions for dispersing the lung surfactant composition in the dispersion medium before use.

42. (amended) A pharmaceutical kit according to claim 41, wherein the lung surfactant composition is in powder or particulate form.

43. (original) A pharmaceutical kit according to claim 41, wherein the instructions include recommendations for the time period during which the lung surfactant composition should be administered after dispersion in the dispersion medium.

44. (original) A pharmaceutical kit according to claim 41, wherein the dispersion medium is an electrolyte solution.

45. (amended) A pharmaceutical kit according to claim 44, wherein the electrolyte solution is a physiologically acceptable electrolyte solution [such as, e.g.] selected from the group consisting of 0.9% w/w sodium chloride solution, Ringer solution [or] and Ringer-acetate solution.

46. (original) A pharmaceutical kit according to claim 41 further comprising another therapeutically, prophylactically and/or diagnostically active substance.

47. (amended) A pharmaceutical kit comprising a first and a second container, the first container being in the form of an [I]inhaler or the like comprising a pharmaceutical composition according to claims 39 [or 40], and the second container being in the form of a nebuliser [or the like] comprising an appropriate medium, which - when administered after

administration of the pharmaceutical composition of the first container - ensures formation of a suitable *in situ* microenvironment for a dynamic swelling process.

48. (amended) A method for the treatment and/or prevention of a lung disease or condition in a mammal, the method comprising administering to the mammal in need thereof an effective amount of a lung surfactant composition according to [any of] claim[s] 1[-] or 2 [26].

49. [amended] A method according to claim 48, wherein the lung surfactant composition is administered in the form of a pharmaceutical composition according to [any of] claim[s] 33 [32-40].

50. (amended) A method according to claim 48 [or 49], wherein the administration takes place during a dynamic swelling phase of the lung surfactant composition.

51. (original) A method according to claim 48, wherein the lung disease or condition is selected from the group consisting of infant respiratory distress syndrome (IRDS), adult respiratory distress syndrome (ARDS), congenital diaphragmatic hernia, acute lung injury, patients treated with Extracorporeal Membrane Oxygenation and meconium aspiration pneumonia.

52. (original) A method according to claim 48, wherein the lung disease or condition is selected from the group consisting of chronic obstructive lung disease, asthma, acute bronchitis, chronic bronchitis, bronchopulmonary dysplasia. lung infections, persistent pulmonary hypertension, lung hypoplasia, cancer, cystic fibrosis, alveolar proteinosis and congenital SP-B deficiency.

53. (amended) A method for the preparation of a pharmaceutical composition, the preparation comprising dispersing a lung surfactant composition according to claim 1 or 2 [in an electrolyte solution having an ionic strength of at least about 5 mM so as to enable a dynamic swelling of the lung surfactant within a time period of from about 0.5 to about 120 min, wherein the dynamic swelling is observed by polarisation microscopy as a] until a birefringent

network or tubules are formed at an air-liquid-solid interface as observed by polarisation microscopy.

54. (amended) A method [for the preparation of a liquid pharmaceutical composition comprising a lung surfactant composition] according to claim [1 or 2] 53, wherein dynamic swelling of the lung surfactant occurs within a time period of from about 0.5 to about 120 minutes [the method comprising swelling of the lung surfactant composition in suitable medium, whereby - during the course of swelling - the lung surfactant composition behaves in a dynamic manner and forms a birefringent network or tubules at an air-liquid-solid interface within a time period of from about 0.5 to about 120 min].

55. (amended) A method according to claims 53 or 54 [for the preparation of a pharmaceutical composition for administration during the dynamic swelling phase of the lung surfactant] wherein the composition is dried.

56. (cancelled)

57. (amended) A pulmonary drug delivery system comprising a lung surfactant composition according to [any of] claim[s] 1 or 2[-26].

58. (amended) A pulmonary drug delivery system according to claim 57, wherein the system further comprises another [for delivery of] therapeutically, prophylactically and/or diagnostically active substance[s, the system comprising a lung surfactant composition according to any of claims 1-26].

59. (amended) A pulmonary drug delivery system according to claim 58, wherein the therapeutically, prophylactically and/or diagnostically active substance[s are] comprises peptides, polypeptides or proteins.

60. (amended) A method for preventing adhesion between tissues in mutual contact comprising application of a lung surfactant composition according to [any of] claim[s] 1 or 2 [-26].

61. (Amended) An in vitro validation method for testing individual batches of a lung surfactant composition, which has dynamic swelling behaviour when dispersed in an electrolyte solution, the method comprising

a) determining $t_{1/2}$, for maximum dynamic swelling [as described herein],

b) comparing the [thus obtained] $t_{1/2}$ with an *in vivo - in vitro* correlation curve[, obtained as described herein] which plots $t_{1/2}$ as a function of arterial oxygen concentration, and

c) evaluating the batch as acceptable or not acceptable based on its correlation with a selected arterial oxygen concentration.

62. (Amended) An *in vitro* method for evaluating the therapeutic, prophylactic and/or diagnostic effect of a lung surfactant composition, which has dynamic swelling behaviour when dispersed in an electrolyte solution, the method comprising determining the half-life of the steady-state swelling and comparing the thus obtained half-life with *in vivo-in vitro* correlation curves which plot $t_{1/2}$ as a function of arterial oxygen concentration in order to predict the therapeutic, prophylactic and/or diagnostic effect.

63. (new) A lung surfactant composition according to claim 8, wherein the electrolyte solution is a sodium chloride solution selected from the group consisting of: a 0.9% w/w sodium chloride solution, Ringer solution and Ringer-acetate solution.

64. (new) A lung surfactant composition according to claim 13 comprising surfactant proteins selected from the group consisting of SP-A, SP-B, SP-C and combinations thereof.

65. (new) A lung surfactant composition according to claim 23 wherein the aqueous medium is water.

66. (new) A lung surfactant composition according to claim 24, wherein the alkaline earth metal salt is selected from the group consisting of sodium chloride, potassium chloride,

lithium chloride and alkaline earth metal salts such as, e.g. calcium chloride, and magnesium chloride.

67. (new) A lung surfactant composition according to claim 25, wherein the acetate is selected from the group consisting of sodium acetate, potassium acetate, lithium acetate, citrates, tartrate, fumarate, borate, and phosphate.

68 (new) A lung surfactant composition according to claim 25, wherein the ammonium salt comprises ammonium chloride.

69. (new) A method according to claim 29, wherein the mammal is a human.

70. (new) A method according to claim 28, wherein the lung surfactant composition is administered as a medicament prepared by dispersing the lung surfactant in powder or particulate form in a suitable dispersion medium.

71. (new) A method according to claim 29, wherein dispersing is performed for a sufficient period of time to ensure dynamic swelling and formation of a birefringent network or tubules.

72. (new) A lung surfactant composition according to claim 2, wherein the dispersion obtained has a concentration of water of at least about 70% w/w.

73. (new) A lung surfactant composition according to claim 2, wherein the dispersion obtained has a concentration of water of at least about 80% w/w.

74. (new) A lung surfactant composition according to claim 2, wherein the dispersion obtained has a concentration of water of at least about 90% w/w.

75. (new) A lung surfactant composition according to claim 9, wherein the concentration of phospholipids is from about 85 to about 98% w/w of the composition in dry form.

76. (new) A lung surfactant composition according to claim 9, wherein the concentration of phospholipids is from about 90 to about 98% w/w of the composition in dry form.

77. (new) A lung surfactant composition according to claim 13, wherein the total concentration of surfactant proteins is from about 0.5 to about 5% w/w of the composition in dry form.

78. (new) A method according to claim 30, wherein the sufficient period of time is from about 1 to about 90 minutes.

79. (new) A method according to claim 30, wherein the sufficient period of time is from about 2 to about 70 minutes.

80. (new) A method according to claim 30, wherein the sufficient period of time is from about 3 to about 45 minutes.